

## **REMARKS/ARGUMENTS**

### **Interview Summary**

On December 14, 2010, a telephonic interview was conducted between Marc S. Hanish, Reg. No. 42,626, and Examiner Czekaj. The examiner is kindly thanked for granting this interview. During the interview, the '168 reference was discussed. Applicant pointed out how the edit information in the '168 reference was not used for compression but merely for encoding. The Examiner expressed concern that the term "compressing" could be broad enough alone to overlap "encoding" because encoding and compressing are often performed at the same time (e.g., MPEG encoding). While Applicant disagreed with this interpretation of the terms, Applicant agreed that it was the intent for the claims to require that the information from the edit track is used to adjust compression parameters used for compression. The Examiner agreed that such a clarification would overcome the '168 rejection as that reference does not teach or suggest anything about adjusting compression parameters based on the edit information, even if compression happens to be performed at the same time as encoding. Applicant agreed to make that amendment formal.

### **Substantive Response**

Claims 1, 11, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2000-253351, (hereinafter referred to as '253) in view of JP 2000-13737, (hereinafter referred to as '137) in further view of JP 9-168148, (hereinafter referred to as '168).

Claims 2-4, 12-14, and 17-18, and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2000-253351, (hereinafter referred to as '253) in view of JP 2000-1 3737, (hereinafter referred to as '137) in further view of JP 9-168148, (hereinafter referred to as '168) in further view of Tahara et al. (6671323).

Claims 5-10 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2000-253351, (hereinafter referred to as "253) in view of JP 2000-13737, (hereinafter referred to as '137) in further view of JP 9-168148, (hereinafter referred to as '168) in further view of Tahara et al. (6671323) in further view of Wang et al. (5802361), (hereinafter referred to as "Wang").

Applicant respectfully disagrees with the Examiner's positions on the prior art references. Specifically, the presently claimed invention involves the use of edit information from an edit track when compressing separate video data. The specification, for example, describes creating a video and audio track when first creating a video, and then performing various edits on the video track using video editing software. These edits not only modify the video track to produce an edited video track, but the edits are also additionally stored separately in an edit track that contains the edit information without the underlying video information. For example, if the user edits a video to superimpose a title image at 00:02:04, the edited video track will include the entire edited video, including the entire movie showing the superimposed title image at 00:02:04. The edit track, however, will only contain information identifying the edit, for example, the edit track may simply say "superimpose title image A at 00:02:04".

The invention then utilizes the information from the edit track when compressing the separate video track. Thus, the invention involves using information from one track to aid compression of another track.

The Examiner admits that neither the '253 reference nor the '137 reference teaches "compressing video data using the edit data." The Examiner relies on paragraph [0036] of the '168 reference to show how that it is a well known technique to change a moving picture encoding process by edit information. Applicant respectfully disagrees with this interpretation.

Paragraph [0036] of the '168 reference states:

[0036]The image encoding apparatus 10 which received the picture signal S7 from the above-mentioned VTR11, The picture signal by said 3:2 pulldown processing and the picture signal photoed with the television camera read the picture signal (said picture signal S12) by which edit combination was carried out from the picture signal S7 concerned, and. The user bit of the SMPTE time code of this picture signal, for example, the editing point information on the picture recorded on said VITC, (said flag S11) is read, and it is made to control the coding processing in the case of the coding to a described image signal based on the editing point information concerned. In [ in other words, the above-mentioned editing point information turns into encoding control information, and ] the image encoding apparatus 10 concerned, Based on the above-mentioned editing point information (encoding control information), it is made to perform respectively separate coding processing to the picture signal by said 3:2 pulldown processing, and the picture signal photoed with said television camera.



Paragraph [0036] of the '168 reference therefore does not teach compressing an edited video track using edit information because at the time of the encoding, the video track has not been edited yet. The encoding process is the editing process. It is only the resulting video track, stored in recording medium 18, that includes an edited video track.

Thus, it is not correct to equate the process in the '168 reference with the claimed invention. The '168 reference only uses separate edit information in its encoding process because at the point of encoding that edit information has not yet been applied to the video track. This edit information is not information regarding how a video track has been edited, but rather it is simply information about elements that are to be added to the video track. Additionally, the edit information is not utilized at all to determine how to compress the signal, as the compressing is simply performed as per normal fashion: it is just performed while the edit information is being combined with the original video track. That is vastly different than using edit information to control compression on a video track to which the edit information has already been applied.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at telephone number listed below.

Respectfully submitted,  
BEYER LAW GROUP LLP

/Marc S. Hanish/  
Marc S. Hanish  
Registration No. 42,626

P.O. Box 1687  
Cupertino, CA 95015-1687  
Telephone: 408-255-8001